

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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JOSEPH G. MANZI IRREVOCABLE TRUST,

Plaintiff(s),

-against-

TOWN OF RIVERHEAD, et al.,

Defendant(s).

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WALL, Magistrate Judge:

ORDER

CV 03-6481 (LDW) (WDW)

Before the court are two letter applications submitted by defendants Town of Riverhead and the Town Board of the Town of Riverhead (collectively “the Town”). The first application, dated September 11, 2006 and docketed as [32], is the Town’s application for an order compelling plaintiff to provide further responses to the Town’s Second Request for Documents. That motion is GRANTED, both on the merits and as unopposed.

Although plaintiff failed to submit opposition to this motion, the responses submitted to the Town indicate that as to requests 2 through 9 and 11, plaintiff objected on the basis of Rule 403 of the Federal Rules of Evidence. As defendants point out, the correct standard at this point of the case is not admissibility, but rather whether the information sought “appears reasonably calculated to lead to the discovery of admissible evidence.” Fed. R. Civ. P. 26(b)(1). As to requests 14 and 16 seeking support of plaintiff’s damages claim, plaintiff objected on the basis of privilege, but failed to submit a privilege log. While some calculations may be protected by the work product privilege, the plaintiff is still obligated to comply with the requirements of Rule 26 (a)(1)(C). Thus, the plaintiff shall serve defendants with a computation of damages alleged in the complaint, along with any non-privileged documents or evidentiary materials upon which the

computation was based. Plaintiff is directed to supplement its responses, consistent with this order, no later than **October 13, 2006**.

The second application, dated September 29, 2006 and docketed as [34], is a request with plaintiff's consent for a two month extension of the discovery deadline. This application is GRANTED; any pending deadlines in the scheduling order dated March 2, 2006 are hereby extended 60 days. No further extensions will be granted absent a showing of manifest injustice. The pretrial conference scheduled for November 9, 2006 is adjourned to **January 10, 2007 at 11:00 a.m.**

Dated: Central Islip, New York
October 2, 2006

SO ORDERED:

/s/ William D. Wall
WILLIAM D. WALL
United States Magistrate Judge